

**\*E-FILED 4/6/07\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SYNAPSIS, LLC,

NO. C 05-1524 JF (RS)

Plaintiff,

**ORDER CONTINUING HEARING  
ON MOTION TO COMPEL**

v.

EVERGREEN DATA SYSTEMS, INC. et al,

Defendants.

Before the Court is plaintiff's motion to compel, presently scheduled to be heard on April 11, 2007. Defendants' opposition to the motion was not timely-filed, because defendant "was under the mistaken belief that this Motion had never made it on to this Court's calendar." It appears that at least up until the time the opposition was filed, the meet and confer efforts between the parties to address the issues raised by the motion were inadequate, despite the fact that the Court had expressly noted the need for such efforts in its order filed on March 8, 2007, denying plaintiff's request for an order shortening time. It also appears that many, if not most, of the issues raised by the motion may have now been resolved. Plaintiff, however, has not filed a reply brief. Accordingly, the record is such that the Court cannot effectively determine the scope of matters remaining in dispute or evaluate the extent to which any such remaining disputes should be resolved through further meet and confer efforts rather than by Court intervention.

Therefore, good cause appearing, IT IS ORDERED:

1. The hearing on the motion to compel is continued to May 2, 2007.

2. The parties shall engage in further meet and confer negotiations forthwith to attempt to resolve any disputes that may remain.

3. Should such meet and confer efforts fail to resolve all remaining disputes, plaintiff shall file its reply brief no later than April 20, 2007, and shall clearly state therein which issues remain to be decided.

IT IS SO ORDERED.

Dated: April 6, 2007

  
RICHARD SEEBORG  
United States Magistrate Judge

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY PROVIDED TO:**

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.

Dated: April 6, 2007

/s/ BAK  
Chambers of Magistrate Judge Richard Seeborg

**United States District Court**  
For the Northern District of California

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